

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARTIN JOSEPH, } Case No.: 3:21-CV-00289-RCJ-CSD
Plaintiff, }
vs. } ORDER ADOPTING AND ACCEPTING
STATE OF NEVADA, ex rel NDOC, et al., } REPORT AND RECOMMENDATION OF
Defendants } UNITED STATES MAGISTRATE JUDGE
(ECF NO. 59)

Before the Court is the Report and Recommendation of United States Magistrate Judge (ECF No. 59¹) entered on May 12, 2023, recommending that the Court dismiss Plaintiff's motion for summary judgment (ECF No. 41) without prejudice. Plaintiff may refile his motion *after* the discovery completion deadline but *before* the expiration of the dispositive motion deadline.

Plaintiff filed his objections to Magistrate Judge's Report and Recommendation (ECF No. 60) on May 31, 2023, Defendants filed a response to Plaintiff's objections (ECF No. 62) on May 31, 2023.

This action was referred to Magistrate Judge Denny under 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties including the objections to the Report and

¹ Refers to Court's docket number.

1 Recommendation and other relevant matters of record pursuant to 28 U.S.C. §
2 636(b)(1)(C) and the Local Rules of Practice, LR IB 3-2(b).
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4 **IT IS HEREBY ORDERED** that United States Magistrate Judge Denny's Report
5 and Recommendation (ECF No. 59) shall be **ADOPTED and ACCEPTED**.
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7 **IT IS FURTHER ORDERED** that Plaintiff's motion for summary judgment (ECF
8 No. 41) is **DENIED WITHOUT PREJUDICE**. Plaintiff may refile his motion *after* the
9 discovery completion deadline but *before* the expiration of the dispositive motion
10 deadline.
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12 **IT IS SO ORDERED.**
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14 DATED this 8TH day of June 2023.
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17 ROBERT C. JONES
18 Senior United States District Judge
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